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Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women
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Implementation of article 21 of the Convention on the Elimination of All Forms of Discrimination against Women

Report provided by specialized agencies of the United Nations on the implementation of the Convention in areas falling within the scope of their activities

Note by the Secretary-General

Addendum

International Labour Organization

1. On behalf of the Committee, the secretariat invited the International Labour Organization (ILO), on 30 September 2004, to submit to the Committee a report on information provided by States to the ILO on the implementation of the Convention on the Elimination of All Forms of Discrimination against Women in areas falling within the scope of its activities, which would supplement the information contained in the reports of the States parties to the Convention that would be considered at the thirty-second session.

2. Other information sought by the Committee refers to activities, programmes and policy decisions undertaken by the ILO to promote the implementation of the Convention.

3. The report annexed hereto has been submitted in compliance with the request of the Committee.

* CEDAW/C/2005/I/1.

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REPORT OF THE INTERNATIONAL LABOUR ORGANIZATION UNDER ARTICLE 22 OF THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN

Geneva, July 2004

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Part I: Introduction

The provisions of article 11 of the Convention on the Elimination of All Forms of Discrimination Against Women are dealt with in a number of ILO Conventions. Of the 185 Conventions adopted so far, the information in this report relates principally to the following:

- Equal Remuneration Convention, 1951 (No. 100), which has been ratified by 161 member states;
- Discrimination (Employment and Occupation) Convention, 1958 (No. 111), which has been ratified by 159 member States;
- Workers with Family Responsibilities Convention, 1981 (No. 156), which has been ratified by 34 member States.

Where applicable, reference is made to a number of other Conventions which are relevant to the employment of women:

Forced Labour

- Forced Labour Convention, 1930 (No. 29)
- Abolition of Forced Labour Convention, 1957 (No. 105)

Child Labour

- Minimum Age Convention, 1973 (No. 138)
- Worst Forms of Child Labour Convention, 1999 (No. 182)

Freedom of Association

- Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87)
- Right to Organize and Collective Bargaining Convention, 1949 (No. 98)

Employment Policy

- Employment Policy Convention, 1964 (No. 122)
- Human Resources Development Convention, 1975 (No. 142)

Maternity Protection

- Maternity Protection Convention, 1919 (No. 3)
- Maternity Protection Convention (Revised), 1952 (No. 103)
- Maternity Protection Convention, 2000 (No. 183)

Night Work

- Night Work (Women) Convention (Revised), 1948 (No. 89) [and Protocol]
- Night Work Convention, 1990 (No. 171)

Underground Work

- Underground Work Convention, 1935 (No. 45)

Part-time Work

- Part-Time Work Convention, 1994 (No. 175)

Home Work

- Home Work Convention, 1996 (No. 177)

The application of ratified Conventions is supervised in the ILO by the Committee of Experts on the Application of Conventions and Recommendations (CEACR), a body of independent experts from around the world, which meets annually. The information submitted in Part II of the present report consists of observations and direct requests made by the Committee. Observations are comments published in the CEACR's annual report – produced in English, French and Spanish – which are submitted to the International Labour Conference. Direct requests (produced in English and French – and in the case of Spanish-speaking countries, also in Spanish) are not published in book form, but are made public. At a later date, they are published on the ILO's database of supervisory activities, ILOLEX.

Part II: Indications concerning the situation of individual countries

ALGERIA

Positions with regard to ILO Conventions

I. Among the relevant ILO Conventions, Algeria has ratified Conventions Nos. 100 and 111. It has also ratified Conventions Nos. 3, 29, 56, 87, 89, 98, 105, 122, 138, 142, and 182.

II. **Comments made by the ILO supervisory bodies.** The pending comments of the ILO Committee of Experts relevant to the provisions of CEDAW relate to:

Convention No. 100: In its 2003 direct request, the Committee noted that a national survey on wages was due to start in September 1998 which would incorporate the concerns previously raised by the Committee concerning the distribution between men and women at the various wage levels, and particularly in the occupations and sectors employing a large number of women, in both the private and public sectors. It thus asked the Government to indicate whether this survey has been completed. If so, the Government is asked to supply the results in order to enable it to ascertain to what extent the equal pay principle laid down in the Convention is actually applied in practice.

The Committee also drew the Government's attention to the fact that, when employment evaluation plans use market salary rates to establish the relative weight of criteria, it is possible that these weightings tend to reflect traditional discrimination in the labour market stemming from sexist prejudices or stereotypical perceptions, which result in the under-evaluation of employment carried out principally by women. Thus, the Committee recommended the establishment of evaluation systems concerning occupations in which women predominate and those in which men predominate in order to identify and remedy cases of wage discrimination. The Committee also asked the Government to supply information on the measures taken or envisaged: (a) to ensure application of the principle of equal remuneration for male and female workers for work of equal value in the spheres in which it can exert direct or indirect influence on the determination of wage scales; (b) to encourage application of the principle of equal remuneration in cases where the Government is excluded from the wage-fixing machinery; and (c) to cooperate with employers and workers for the purpose of giving effect to the Convention and national legislation on the subject.

Convention No.111: In its 2003 observation, the Committee took note of the Government's indication that the Decrees on part-time work (No. 97-473 of 8 December 1997) and on home workers (No. 97-474 of 8 December 1997) allowed women to reconcile their obligations as women with a source of supplementary income for the family budget. In response, the Committee drew attention to the importance of not considering women as supplementary wage earners in order to promote equal opportunity and treatment. Such a notion, while true in some cases, is not true for many women who are important providers for their own and their families' livelihoods. In this regard the Committee also recalled that, in practice, women are still confronted with discrimination in the field of employment resulting from stereotypes which exist regarding a woman's place in society. It therefore encouraged the Government to

continue its efforts to further its national policy of promotion of equality of opportunity and of treatment in respect of employment and occupation.

In its 2003 direct request, the Committee asked the Government to indicate the measures taken to encourage the access of girls and women to new vocational training branches such as electricity and electronics to avoid occupational segregation based on sex. The Committee pointed out that discrimination is not always related to legal interdictions but to social prejudices that may result in determining capacities based on stereotypes or tradition rather than on actual ability and interest.

In respect of the special protection of women in employment, such as the prohibition of night work or refraining from assigning women to work that is dangerous, insalubrious or harmful to the health, the Committee is aware, when examining measures for the protection of women, that the specific needs of each country may vary. Nevertheless, it invited the Government to consider the possibility of reviewing these provisions - in consultation with the social partners and in particular with women workers - to determine whether it is still necessary to prohibit access to women to certain occupations, in view of the improvement of working conditions, and also of changes in mental attitudes and the right to equal access and opportunity. One of the reasons put forward by the Government to justify barring women from certain employment derives from the desire to allow women workers to harmonize their working life with the requirements of their family life. In this connection, the Committee recalled that it has often emphasized that it would be preferable if certain measures taken for women workers - to enable them to raise and care for their children - were progressively extended to men, so that such advantages need no longer reduce women's competitivity on the labour market. Family responsibilities can effectively become a hindrance to equality in employment and a major cause of direct or indirect discrimination against women. The adoption of such measures would bear witness to the recognition that family responsibilities are a problem proper to the family and society - and not solely to women.

CROATIA

I. Among the relevant ILO Conventions, Croatia has ratified Conventions Nos. 100, 111, and 156. It has also ratified Convention Nos. 3, 29, 45, 56, 87, 98, 100, 103, 105, 111, 122, 138, and 182.

II. **Comments made by the ILO supervisory bodies.** The pending comments of the ILO Committee of Experts on matters relevant to the provisions of the CEDAW relate to:

Convention No. 100: In a 2003 direct request, the Committee noted with interest the indication that after the amendment of the Labour Act in July 2003, the definitions of both "work of equal value" and "remuneration" were included under section 82 in conformity with the Convention. The Committee also noted with interest that provision 13(1)4 of the Fquality of the Sexes Act, which came into force on 30 July 2003, forbids discrimination in pay based on sex.

The Committee also noted the adoption in December 2001 of a new National Policy for the Promotion of Equality that includes the programme of implementation of the National Policy for the Promotion of Equality in the Republic of Croatia in the period 2001-05 (No. 112/01).

The Committee asked the Government to provide information in its next report on the activities carried out in the framework of this policy to ensure the application to all workers of the principle of equal pay between men and women for work of equal value.

Further to its previous comment, the Committee took note of the Government's indication that, according to the Croatian Association of Employers, there are no rules for determining salaries for employers having less than 20 employees, and that in these cases, salaries are determined by a contract or by employment rules. The Committee asked the Government to provide information on whether new section 82 of the Labour Act applies to these employers, and if not, by which manner the Government ensures the application of the principle of equal pay between men and women for work of equal value in enterprises with fewer than 20 employees.

Finally, the Committee took note that, according to the Government's indication, no complaint about discrimination in salaries between women and men has been received. The Committee asked the Government to provide information on the activities of the inspection service to enforce the application of section 82 of the Labour Act, including awareness raising and counselling as well as the complaint-based activities.

Convention No.111: In its 2003 observation, the Committee noted with interest the adoption of both the Act concerning amendments to the Labour Act and the Equality of the Sexes Act that came into force on 19 and 30 July 2003 respectively. It noted that according to the amended section 2 of the Labour Act the prohibition of discrimination against jobseekers and workers includes new grounds of sexual orientation and ethnic origin upon which discrimination is prohibited, in addition to the grounds of race, skin colour, marital status, family obligations, age, language, religion, conviction, social origin, wealth, birth, social position, political party membership or non-membership, trade union membership or non-membership and physical and mental difficulties (1); defines what is considered direct and indirect discrimination (2)(3); lays out exemptions (2a); set out provisions on harassment and sexual harassment (2b); establishes the right to damages in the event of discrimination (2c), and that the burden of the proof is upon the employer (2d). It also noted that section 13 of the Equality of the Sexes Act forbids discrimination in employment and occupation. The Committee was of the view that these new provisions are in accordance with the Convention and further strengthened its application in law. It requested the Government to provide information in future reports on their enforcement and their implementation in practice including results achieved.

In its 2003 direct request, the Committee noted the results of an experimental research carried out by the women's section of the Federation of Independent Unions of Croatia and the TOD women's group. The research shows that women (one out of four) are often exposed to sexual harassment at work. The Committee requested the Government to provide information in its next report on the practical measures taken or envisaged to combat sexual harassment at the workplace, and the practical application of the Labour Act provision on sexual harassment. The Committee noted the concluding observations of the Committee on Economic, Social and Cultural Rights (CESCR) on Croatia of 30 November 2001 (E/C.12/1/Add.73). That Committee expressed its concern over reports alleging that the competent authorities frequently do not address private acts of discrimination and ethnically motivated violence, mainly against Serbs and Roma people, nor discrimination in employment on the basis of gender, age and

ethnic origin. That Committee noted that women are generally employed in lower paying and lower status jobs and are poorly represented in public service and office. The ILO Committee of Experts joined the CESCR in encouraging the Government to adopt measures to continue to reduce unemployment and promote entrepreneurship, ensuring that in so doing, all such measures, including training of prospective employees and placement of jobseekers with potential employers, are undertaken in a non-discriminatory manner. It also strongly recommended the Government to undertake a comprehensive review of the situation of women in the workforce and as public servants. The Committee hoped that the Government would take into account these observations and will undertake the necessary measures to address the inequality that affects in practice mainly women and certain national minorities.

Convention No. 156: In its 2000 direct request, the Committee noted the prohibition contained in section 2 of the Labour Law on giving less favourable treatment to a jobseeker or worker on the basis of a number of criteria, including family responsibilities. In addition, the Government sets forth in its National Policy for the Promotion of Equality, adopted in 1996, and its Programme of Action for application of the Beijing Platform, that specific measures must be adopted for the promotion of equality in family life with the object of reconciling the family and occupational responsibilities of both parents. The Committee requested the Government to send information concerning the supplementary measures taken or envisaged in accordance with this national policy in regard to workers with family responsibilities.

The Committee noted with interest that the Pre-school Education Act and the Primary Education Act provide for childcare, particularly for children of working parents. The Committee asked the Government to provide copies of these Acts and also requested the Government to indicate whether there are establishments or community services to assist workers with family responsibilities in the care of older persons.

The Committee requested the Government to indicate whether there are measures in Croatia intended to promote information and education that engender wider public understanding of the principle of equality of opportunity and treatment for workers of both sexes and of the problems of workers with family responsibilities, as well as a climate of opinion conducive to overcoming these problems. Noting that legislation provides that parental leave may be exercised by either parent, except for the obligatory period of maternal leave, the Committee requested the Government to indicate whether there are publicity campaigns designed to encourage fathers to use these provisions and to promote in general the concept of sharing family responsibility between men and women.

GABON

I. Among the relevant ILO Conventions, Gabon has ratified Conventions Nos. 100 and 111. Gabon has also ratified Conventions Nos. 3, 4, 29, 45, 87, 98, 105, and 182.

II. **Comments made by the ILO supervisory bodies.** The pending comments of the ILO Committee of Experts relevant to the provisions of CEDAW relate to:

Convention No 100: In its 2003 direct request, the Committee recalled that for several years it has been pointing out that the principle of equal remuneration set out in section 140 of the

Labour Code is narrower than the principle laid down in the Convention, as it does not appear to allow a comparison between jobs of a different nature and content, but which are still of equal value. The Committee therefore hoped that the Government would endeavour to amend this provision. Recalling that the Convention envisages objective evaluation of jobs in order to determine remuneration in a non-discriminatory manner, the Committee requested the Government to indicate the manner in which wages are fixed in practice, both those fixed as minimum wages through Presidential Decree and through collective agreements.

The Committee noted the Government's intention to strengthen the statistical unit attached to the Directorate of Research and Documentation, in order to be in a position to better collect and process statistical information on the levels of income of men and women. The Committee also noted statistical data indicating the representation of women among the civil servants in the different grades and their share among those holding posts of responsibility. It noted that overall some 34 per cent of the posts in the public service are held by women, with 19 and 29 per cent occupying the two highest grades.

Finally, the Committee noted that the Government has taken measures to reinforce the mechanisms to enforce the application of the Convention, in particular strengthening the labour inspectorate through training. The Government was asked to continue to provide information on the concrete measures taken to promote the application of the Convention through the labour inspectorate, including information on any specific activities carried out by labour inspectors with regard to equal remuneration and cases of wage discrimination addressed by them.

Convention No. 111: In its 2003 direct request, the Committee noted the Government's indication that sexual harassment is prohibited under section 8 of the Labour Code, which generally prohibits sex discrimination. Complaints can be made to the labour inspector or the courts. The Committee also noted that unions, women's associations and other NGOs are undertaking awareness activities on the issue.

The Committee noted with interest that the Government has taken certain measures to promote the employment of women in jobs and occupations traditionally not held by women, such as technical and industrial jobs, as well as managerial posts and positions of responsibility. The Committee also noted the information that young women were encouraged to enrol for technical studies in several universities and schools. The Committee requested the Government to continue to provide information on its efforts to promote women's participation in education and employment.

The Committee recalled that since 1995 it has been requesting the Government to provide information on the extent of the participation of women in the various courses provided by training, further training and retraining institutions covered by sections 98-103 of the 1994 Labour Code. The Committee requested the Government to indicate the specific difficulties in obtaining such information and hoped that it would take the necessary measures in this regard, including through a request for technical assistance to the ILO.

Convention No 3: In its 2003 direct request, the Committee drew the Government's attention to the need to take the necessary legal measures to guarantee that women are not allowed to

work for a period of six weeks after confinement, in accordance with the Convention. In its reply, the Government considered that given that section 171 of the Labour Code simply allows women employees the option of returning to work to meet financial difficulties, for example, it does not violate the spirit of the Convention. The Committee was nevertheless bound to recall that the compulsory character of the postnatal maternity leave established in this provision of the Convention affords protection that supplements the right to leave, the aim being to prevent pressure or offers of material gain from inducing the worker to resume employment before the end of the legal period of postnatal leave, to the detriment of her health or that of her child. The Committee trusted that, in view of the above, the Government would soon take the measures required to bring the national legislation into full conformity with the Convention.

ITALY

I. Among the relevant ILO Conventions, Italy has ratified Conventions Nos. 100 and 111. Italy has also ratified Conventions Nos. 3, 29, 45, 87, 98, 105, 122, 138, 142, 175, 182, and 183.

II. **Comments made by the ILO supervisory bodies.** The pending comments of the ILO Committee of Experts relevant to the provisions of CEDAW relate to:

Convention No. 100: In its 2003 direct request, the Committee noted the measures taken by the Government to increase women's participation in the labour market. It further noted the figures that show an actual increase in women's participation in the labour market of 2.8 per cent, compared with 0.8 per cent for men. However, it noted that such increase is due both to the greater adaptability of women to the demands of the market, for example in part-time positions, and the rise in the number of "women's occupations", such as personal services like domestic help and door-to-door selling (78 per cent of women in the south are engaged in these types of work). In fact, employment in atypical work from 1999 to 2001 rose by 36.1 per cent for women, compared with 24.6 per cent for men. Therefore, the Committee recalled that women are still frequently segregated into lower status and lower remunerated occupations, and reiterated its request for information on the measures taken to increase women's participation in full-time and higher status positions.

The Committee noted the data supplied with the latest report on the distribution of men and women in the different sectors and at the different levels of the public administration, and noted in particular that only 6.9 per cent of women occupy the post of general director of a Ministry, and 20.8 per cent the post of director. The Committee asked the Government to continue to supply such statistical data, and to enhance the measures taken to promote women's access to senior managerial positions within the public administration.

The Committee noted the threefold approach taken by the Government in order to advance equality in employment and occupation: it noted section 3 of Decree 151/2001 which confirms respect for the principle of non-discrimination, section 4 of Act No. 903 providing for equality of treatment in pensions, and the progressive lightening of the cost of female labour. The Committee asked the Government to describe the manner in which these provisions have helped to reduce the pay gap between women and men workers.

The Committee was concerned about the lack of statistical data on wages and incomes disaggregated by sex and level of responsibility. It pointed out the importance of providing statistics in order for the Committee to be able to examine the actual situation in relation to the wage gap between men and women. In this connection the Committee requested a copy of the survey on wage differentials in Italy, disaggregated by sex, commissioned by the National Commission on Equality, which was expected to be available in 2001.

Convention No. 111: In its 2002 direct request, the Committee noted that the presence of women increased at all levels of responsibility, in particular the number of women managers increased from 26.8 per cent in 1993 to 31.5 per cent in 1999. However, it noted that women in the national, local and regional government administrations are still under-represented in positions of decision-making authority, with only 10.3 per cent representation in Parliament, 17.4 per cent in Government and less than 10 per cent of representation at the local level. Therefore, the Committee asked the Government to supply information on the measures taken or envisaged to promote the presence of greater numbers of women in managerial and supervisory positions in the government administration. Further, the Committee noted the statistical data on employment disaggregated by sex and sector of activity. The Committee hoped that the Government would continue to provide this data in its future reports disaggregated also by level of responsibility.

The Committee noted the information in the Government's report on the increased use of "atypical" contracts, that differs from permanent full-time work in duration, working time, contribution levels and remuneration. The Committee noted that women have a higher rate of employment in these types of contracts than men and that the gap is growing. It also noted that self-employment is growing faster for women than for men. The Committee asked the Government to indicate the measures to promote women's participation in permanent full-time jobs and to ensure that women are not disadvantaged in their terms and conditions of contracts based on sex.

Finally, the Committee noted with interest Decree No. 196 of 2000 that establishes a network of equality advisers at national, regional and provincial level, with promotional and supervisory functions of the principle of equality between women and men in the labour market. The Committee asked to receive further information on the measures taken and the impact of section 7 of the new Decree on affirmative actions.

Convention No 4: In its 2000 direct request, the Committee, bearing in mind that in 1992 the Government proceeded to denounce the Night Work (Women) Convention (Revised), 1948 (No. 89), recalled that the Government remains fully bound by the provisions of Convention No. 4 until such time a formal act of denunciation takes effect. The Committee also took the opportunity to invite the Government to give favourable consideration to the ratification of the Night Work Convention, 1990 (No. 171).

PARAGUAY

I. Among the relevant ILO conventions, Paraguay has ratified Conventions Nos. 100 and 111. Paraguay has also ratified Conventions Nos. 29, 87, 89, 98, 105, 122, 138, and 182.

II. **Comments made by the ILO supervisory bodies.** The pending comments of the ILO Committee of Experts relevant to the provisions of CEDAW relate to:

Convention No 100: In its 2003 direct request, the Committee noted the information supplied by the Government to the effect that, in practice, there was a clear difference between men's pay and women's pay in virtually all branches, categories of occupation, occupational groups and at all levels of education and that the differential favours men. Furthermore, the higher levels of education do not ensure that women receive equitable pay by comparison with men who have the same level of education. In view of such serious inequalities, the Committee pointed to the importance of using objective job appraisal methodologies in order to improve women's status in both the public sector and the private sector. The Committee urged the Government to adopt and implement measures, in cooperation with the social partners, to reduce the large wage gap between men and women, and to address the occupational and sectoral segregation of women in the labour market.

The Committee noted the activities carried out in 2002 by the National Tripartite Commission to Review and Promote the Participation of Women in Work (CTIO). The Committee trusted that the Government would provide information in its next report on all other activities carried out by the CTIO to contribute to reducing the wage gap and to raise the low percentage of women in management jobs.

Convention No. 111: In its 2003 observation, the Committee addressed discrimination on the basis of political opinion.

Convention No. 89: In its 2000 direct request (repeated in 2003), the Committee noted that, by virtue of articles 130 and 122 of Act No. 213 of 29 June 1993, establishing the Labour Code as amended by Act No. 496 of 22 August 1995, night work in industrial undertakings is only prohibited for pregnant and breastfeeding mothers as well as for minors between 15 and 18 years of age, while *Article 3* of the Convention provides for a general ban on night work applicable to all women without distinction of age. In addition, the Committee noted that, under article 195of the Labour Code, night work is defined as any work carried out between 8 p.m. and 6 a.m., that is a period of ten hours, whereas under *Article 2* of the Convention the term "night" signifies a period of at least 11 consecutive hours including an interval of at least seven consecutive hours falling between 10 o'clock in the evening and 7 o'clock in the morning. The Committee also noted that articles 208 and 209of the Labour Code depart from the letter of the Convention in so far as they provide for the possibility of authorizing night work in cases other than those of *force majeure*, perishable materials and serious emergency.

In respect to the above, the Committee recalled that the principal obligation for a government arising out of the ratification of an international labour Convention is to take such action as may be necessary to make effective the provisions of the ratified Convention, and to continue to ensure its application for as long as it does not decide to denounce it. Therefore, the Committee asked the Government to indicate the measures it intends to take to bring national legislation into conformity with the Convention. The Committee also took the opportunity to invite the Government to give favourable consideration to the ratification of either the Night Work Convention, 1990 (No. 171) or the Protocol of 1990 to Convention No. 89.

Convention No. 122: In its 2003 direct request, the Committee recalled that the compilation and analysis of statistical information has to serve as a basis for the adoption of employment policy measures. The Committee once again requested information on the situation, level and trends of employment, unemployment and underemployment throughout the country and the extent to which they affect the most vulnerable categories of workers (such as women, young persons and rural workers), who often encounter the greatest difficulties in finding lasting employment.

Turkey

I. Among the relevant ILO Conventions, Turkey has ratified Conventions Nos. 100 and 111. Turkey has also ratified Conventions Nos. 29, 45, 87, 98, 105, 122, 138, 142, and 182.

II. **Comments made by the ILO supervisory bodies.** The pending comments of the ILO Committee of Experts relevant to the provisions of CEDAW relate to:

Convention No. 100: In its 2002 direct request, the Committee noted with interest that the revised Civil Code (Act No. 4721) which entered into force on 1 January 2002 repeals a number of provisions of the Civil Code of 1926 which had been considered contrary to gender equality. With reference to its previous comments on discrimination in the payment of certain benefits to public servants for reasons that are linked to their gender, the Committee noted that under the new Civil Code equality of spouses has been established, including in respect to representing the conjugal community in legal matters. The Committee noted the Government's statement that the legal basis for discriminatory payment of certain benefits to the husband, such as family allowances, no longer exists and that work was under way to reflect these changes in the Civil Service Act No. 657. The Committee asked the Government to keep it informed of the progress made in this regard and to provide a copy of any amendments to the Civil Service Act to ensure equal remuneration, including allowances, of men and women in the civil service in accordance with the Convention.

The Committee noted that Turkish Confederation of Employer Associations (TISK) refers to section 6, paragraph 4, of the Labour Act No. 1474 which provides for equal wages for men and women for "work of the same nature with the same output". According to TISK this provision did not quite reflect the principle of "equal remuneration for work of equal value" and that it would be appropriate if the provision in question would be brought into line with the wording of the Convention. The Committee also noted the Government's view that for the purpose of the implementation of the Convention there was no substantial difference between the terms "work of equal nature" and "work of equal value". However, the Committee does not consider the meaning of "work of the same nature with the same output" and the principle of "equal remuneration for work of equal value" to be identical because the two phrases have different connotations and interpretations of the two concepts may differ in practice. The Committee believed that formally reflecting the principle of equal remuneration for men and women for work of equal value in the Labour Act would positively contribute to the application of the Convention and encouraged the Government to undertake further consideration in this regard, in close cooperation with the social partners.

Recalling its previous comments concerning the application of the Convention to all workers, including self-employed workers, the Committee noted from the Government's report that no legislative amendment respecting atypical work, such as home work, as envisaged by the Eighth Five-Year Development Plan, has yet been adopted. The Committee hoped that any future legislation on atypical work will incorporate the principle of equal remuneration of men and women for work of equal value and asked the Government to provide copies of any amendments made. Please also provide information on any other measures taken in the context of the current Five-Year Development Plan aiming at the reduction of wage inequalities.

The Committee noted that in 2001, 61 per cent of all employed women were engaged in the occupational group of agricultural workers, while only 0.8 per cent were employed in the category of "administrative, executive and managerial workers". In comparison, some 30 per cent of all employed men were engaged in agricultural occupations, while some 3.3 per cent were in administrative, executive and managerial occupations. Among the persons being employed in the latter category, only 8 per cent were women. The data concerning the participation of men and women in the various fields of economic activities likewise revealed a very high degree of concentration of women in agriculture. The Committee recalled that horizontal and vertical occupational segregation of women into lower paying jobs or occupations and lower positions without promotion opportunities is one of the causes of pay differentials between men and women and requested the Government to provide information on the measures taken or envisaged to promote the principles of the Convention through policies aimed at labour market desegregation (e.g. promoting equal access of women to all occupations and economic sectors and to jobs with decision-making and management responsibilities).

Convention No. 111: In its 2002 observation, the Committee noted indications by the Turkish Confederation of Employers' Associations (TISK) that female employment has increased in the private sector in recent years, while Confederation of Progressive Trade Unions of Turkey (DISK) indicated that the problems related to discrimination against women still existed. The Committee noted the statistical information for the year 2000 provided by the Government according to which the level of female literacy and labour force participation remains very low. Noting that the number of illiterate women was still around four times higher than that of men, the Committee observed that illiteracy is not only a problem in rural areas, with 2.4 million illiterate persons out of 6 million living in the cities. The overall labour force participation rate of men is at 73.1 per cent, while that of women is as low as 25.5 per cent. In 2000, female unemployment in urban areas was at 13.1 per cent as compared to 7.9 per cent for male unemployment.

The Committee of Experts also discussed discrimination on the basis of sex and religion. The Committee recalled the communication dated 9 May 1999 of the Workers' House of the Islamic Republic of Iran, a workers' organization, which stated that a female legislator wearing an Islamic headscarf was treated in a discriminatory manner when she was forced from the hall of the Grand National Assembly without being sworn in. The comments received from the Workers' House also alleged discrimination in regard to the ban on wearing of headscarves at universities, academic centres and by public servants. The Committee observed that the requirement that public servants and university students uncover their heads would in fact

disproportionately affect women wearing headscarves, possibly impairing or precluding altogether their right to equal access to education and employment due to their religious practices. It moreover drew attention to the particular significance the ban on headscarf takes on when viewed in the light of the low level of education of women and their low level of participation in the work force.

While noting the complexity of the situation, the Committee reiterated its concern that the current broad prohibition for students and civil servants from wearing head coverings may lead to situations incompatible with the principle of equality as envisaged by the Convention. As stated previously, such a requirement would in fact disproportionately affect Muslim women, possibly impairing or precluding altogether their right to equal access to education and employment, due to their religious practices. The Committee deemed it necessary to recall that the Government has undertaken to declare and pursue a national policy designed to promote, by methods appropriate to national conditions and practice, equality and treatment in respect to employment and occupation, with a view to eliminating any discrimination, including on the basis of sex and religion. The Committee also recalled that, in order to be permissible under the Convention, any distinction or exclusion that has the effect of nullifying or impairing equality of opportunity and treatment in employment and occupation must be based on the inherent requirements of a particular job. The Government was therefore requested to consider ways and means to promote and ensure equal access of Muslim women to employment in the civil service irrespective of their religious practice, and to keep the Committee informed of any development concerning this matter. Recalling that the access of women to education is one of the factors determining their participation in the labour force and that the general level of education of women and their labour force participation in Turkey remains very low, the Committee also requested the Government to provide information on measures taken or envisaged to ensure that all women, including Muslim women and girls, enjoy their equal rights to education, including at the university level. The Committee also requested the Government to provide statistical information on the numbers of women who have been precluded from attending university or from obtaining or maintaining jobs in the public service, due to the ban on headscarves.

In its 2002 direct request, the Committee noted from the Government's report that continuing efforts are being made to provide better employment opportunities for women through the various training courses organized by the National Employment Agency, including in professions traditionally dominated by men, such as computer programmer, accountant, electronic computer operator or sales assistant. The Committee noted that in 2000 the percentage of women participating in employment-guaranteed training courses slightly decreased to 68 per cent from 73.7 per cent in 1999 and the percentage of female participants in business start-up training courses increased from 86.7 to 89 per cent. The Government was invited to continue to provide information on the vocational training provided by the National Employment Service, including information on the number of women participating in the different courses, including those concerning occupations traditionally taken up by men.

Moreover, the Committee noted from the comments by the Turkish Confederation of Employers' Associations (TISK) that the functions of the Turkish Labour Institute (IŞKUR)

have been extended to implement active and passive labour force policies and that in its restructured form IŞKUR will be able to take measures to strengthen the position of women in the labour market. The Government was asked to provide information on the activities of IŞKUR aiming at the promotion of gender equality in employment and occupation.